
By: **Delegates Goldwater, C. Davis, Eckardt, Redmer, Kirk, Minnick,
Walkup, Pendergrass, Stull, Kopp, Bronrott, and Nathan-Pulliam**

Introduced and read first time: February 20, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Nurse Anesthetists**

3 FOR the purpose of requiring the Board of Nursing to adopt and enforce regulations
4 that conform to the intent of federal Health Care Financing Administration
5 regulations governing the administration by nurse anesthetists of anesthesia in
6 hospitals and ambulatory surgical centers.

7 BY adding to
8 Article - Health Occupations
9 Section 8-509
10 Annotated Code of Maryland
11 (2000 Replacement Volume)

12 **Preamble**

13 WHEREAS, On January 17, 2001, the Health Care Financing Administration
14 (HCFA) issued final regulations that removed the federal requirement for the
15 physician supervision of certificated registered nurse anesthetists (CRNAs) who
16 administer anesthesia in hospitals, critical access hospitals, and ambulatory surgical
17 centers; and

18 WHEREAS, In eliminating this requirement, HCFA noted that advances in
19 medical knowledge, the implementation of practice guidelines, better drugs, and safer
20 equipment have all contributed to a drop in the number of deaths from errors in
21 administering anesthesia from two deaths per 10,000 patients receiving anesthesia in
22 the 1980s to one death per 200,000 to 300,000 patients today, a 40-fold to 60-fold
23 improvement; and

24 WHEREAS, HCFA also noted that its previous regulation did not require that
25 the supervising physician have any expertise in the delivery of anesthesia; and

26 WHEREAS, HCFA declared in adopting the new regulations after 3 years of
27 thorough investigation, deliberation, and comment from the health care community

1 that "there is no evidence that CRNA independent practice would cause adverse
2 outcomes"; and

3 WHEREAS, In eliminating this requirement, HCFA also noted its new
4 regulation would "allow an appropriate level of regulatory flexibility without
5 compromising patient health or safety"; and

6 WHEREAS, In eliminating this requirement, HCFA has changed its conditions
7 of hospital participation in the Medicare Program and has stated its desire to move
8 toward standards that are patient-centered and evidence-based; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health Occupations**

12 8-509.

13 THE BOARD OF NURSING SHALL ADOPT AND ENFORCE REGULATIONS THAT
14 CONFORM TO THE INTENT OF FEDERAL HEALTH CARE FINANCING ADMINISTRATION
15 REGULATIONS GOVERNING THE ADMINISTRATION BY NURSE ANESTHETISTS OF
16 ANESTHESIA IN HOSPITALS AND AMBULATORY SURGICAL CENTERS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2001.